

★ JAN 10 2018 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL DOLAN, SR., and
MICHAEL DOLAN, JR.,

13CV5651(JFB)(SIL)

Plaintiffs,

-against-

STIPULATION

NEW HYDE PARK FIRE DISTRICT, COUNTY
OF NASSAU, RICHARD STEIN, JOHN DIVELLO,
MICHAEL BONURA, JOHN BROWN, JOHN
WALDRON, JAMES P. GILROY,
and THOMAS WALKER,

Defendants.
-----X

WHEREAS, on March 28, 2017, a jury rendered a verdict ("Verdict") in favor of Michael Dolan, Sr. and Michael Dolan, Jr. ("Plaintiffs") on their claims for malicious prosecution and abuse of process against the New Hyde Park Fire District, Richard Stein, John Divello, Michael Bonura, and John Brown ("Defendants");

WHEREAS, it is acknowledged that the jury did not find John Waldron and Robert Von Werne to be liable to Plaintiffs on any of their claims;

WHEREAS, on April 27, 2017, the Honorable Joseph F. Bianco entered a judgment ("Judgment") on the Verdict;

WHEREAS, Plaintiffs agreed not to execute the Judgment pending the outcome of Defendants' post-trial motions seeking to alter the Verdict;

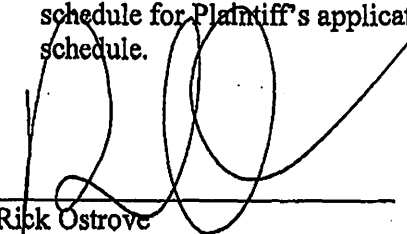
WHEREAS, on December 21, 2017, a Memorandum and Order of the Honorable Joseph F. Bianco, United States District Judge was filed, and on December 22, 2017, an amended Memorandum and Order ("Order") was filed, denying Defendants' post-trial motions in their entirety, thereby affirming the Verdict;

IT IS HEREBY STIPULATED AND AGREED as follows:


1. Defendants shall have until January 21, 2018 to file a Notice of Appeal in connection with the Order (30 days from December 22, 2017).
2. Plaintiff's application for attorneys' fees, costs, and expenses ("Fee Application") shall be postponed, pending the outcome of Defendants' appeal.

3. Plaintiffs shall refrain from executing the Judgment, pending the outcome of Defendants' appeal.
4. The Parties stipulate to amendment of the Judgment to reflect the jury verdict in favor of Defendants Robert Von Weme and John Waldron and reflect that the case was dismissed against both of these Defendants.
5. After resolution of the appeal, if appropriate, the parties will agree upon a briefing schedule for Plaintiff's application and write the Court seeking its approval of said schedule.

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SO ORDERED

11/10/18

Hon. Joseph F. Bianco